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NY Times October 1, 1976

U.S. and the Sea

To the Editor:

Your Sept. 22 editorial "The U.N. at Sea," regarding the lack of progress at the Law of the Sea Conference, was very timely and, I feel, correct in its conclusions. Having visited the L.O.S. Conference as a Congressional delegate, and meeting with our negotiating team as well as with representatives of the Group of 77 representing the third world, I strongly feel that a completed and approved L.O.S. treaty is not possible without dramatic changes in the current U.S. policy.

The attitudes exhibited by the Group of 77 indicate to me that since they do not have the technology necessary to mine the deep seabed, and since no one else with the technology is now mining, they have nothing to lose by stalling the negotiations until they receive an even better deal than the last one offered. The U.S., now almost completely dependent on foreign imports for our supply of hard minerals, cannot run the risk of an OPEC-type cartel being formed by refusing to take the necessary actions to protect our own economic interests.

At the present time nations which oppose meaningful progress at the L.O.S. feel that the U.S. will not do anything on a unilateral basis, and therefore they have no reason to compromise any of their positions. They have termed our negotiating team's efforts at reminding the conference that the U.S. will be forced to take unilateral action if a treaty cannot be negotiated as merely "crying wolf." We can no longer accept the continued refusals to negotiate in good faith without doing grave harm to our own economic interests.

It is therefore my intention, in cooperation with the other members of the committee, to move forward with legislation at the beginning of the next Congress authorizing deep-seabed mining. It is essential that our nation first protect our own economic stability and security. Only when we do this can we be in the position to do what is necessary and proper in recognizing our duty to the world community.

JOHN B. BREAUX
Member of Congress, 7th Dist., La.
Washington, Sept. 22, 1976

The writer is chairman of the House Subcommittee on Oceanography.

U.S. Alternatives to a Sea-Law Treaty

To the Editor:

Prof. John Norton Moore appears to be afflicted with a terminal case of treaty-itis [letter Oct. 21]. In his analysis of United States oceans policy, he makes two fundamental errors:

- He seems to believe, in the face of overwhelming evidence to the contrary, that international law can actually temper the dangerous ambitions of governments and effectively limit their foreign-policy actions.
- He apparently believes that written treaties somehow offer a potential for enduring world order in the ocean.

Given these beliefs, it is not surprising to find Professor Moore lamenting the lack of progress at the Third United Nations Conference on the Law of the Sea and at the same time denigrating the effect on ocean order of actions such as the Mayagüez reprisal and enactment of the United States 200-mile exclusive fishery management zone.

World order, particularly order in the ocean, is essentially a product of power. Abdication of the responsibility of power by the United States to a paper majority of underdeveloped nations in the United Nations will only create a vacuum which chaos and anarchy will surely fill.

It is my view that the United States should cease participation in the Law of the Sea conference and begin to pursue alternatives to a Law of the Sea treaty which will not only contribute to order in the world ocean but also protect the nation's vital economic and security interests in the sea. Such alternatives should include:

(1) Adoption of legislation authorizing and encouraging U.S. companies to engage in deep seabed mining; (2) initiation of negotiations with other developed countries possessing seabed-mining technology in order to establish arrangements to avoid claim conflicts; (3) strict enforcement of the 200-mile fishing zone law; (4) initiation of bilateral and multilateral negotiations with archipelagic and straits states to insure continued rights of military and commercial navigation through straits and archipelagoes; (5) amendment of the Outer Continental Shelf Lands Act to establish the extent of U.S. continental shelf jurisdiction at the edge of the continental margin or 200 miles, whichever is farther seaward, and (6) taking action, including the insertion of naval forces, to preserve existing ocean rights and freedoms such as innocent passage, free navigation in extended economic zones and the conduct of oceanographic research in ocean areas beyond the twelve-mile maximum limit of territorial waters.

H. GARY KNIGHT

Baton Rouge, La., Oct. 26, 1976

The writer, Campanile Professor of Marine Resources at Louisiana State University, is a member of the U.S. Advisory Committee on the Law of the Sea.